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PATENT

OFFICE OF PETITIONS

#4

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shannon T. Bailey et al.

Serial No.: 09/810,982

Filing Date: March 16, 2001

For: METHOD AND APPARATUS FOR COMPARISON OF NETWORK
SYSTEMS USING LIVE TRAFFIC IN REAL-TIME

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts mailed on May 1, 2001.

Applicants hereby petition for revival of this application. The Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 501269.

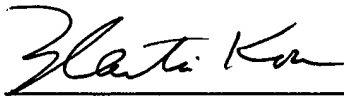
Enclosed herewith please find:

1. Copy of Notice of Abandonment;
2. Copy of Notice to File Missing Parts of Nonprovisional Application;

3. Declaration and Power of Attorney for Patent Application;
4. Return receipt postcard.

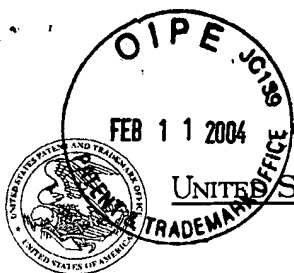
This application became abandoned because of Applicants' unintentional failure to timely reply to the Notice to File Missing Parts mailed May 1, 2001. Applicants became aware of the abandonment upon review of the file. The entire delay in replying from the due date to the filing date of this petition under 37 CFR §1.137(b)(3) was unintentional.

Respectfully submitted,

By: 

Martin Korn
Registration No. 28,317

Date: February 10, 2004
LOCKE LIDDELL & SAPP LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-6776
Phone: (214) 740-8519
Fax: (214) 756-8519



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1459
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/810,982	03/16/2001	Shannon T. Bailey	12293:32

CONFIRMATION NO. 7442

ABANDONMENT/TERMINATION
LETTER

OC000000010799804

26579
 AKAMAI TECHNOLOGIES, INC.
 ATTN: DAVID H. JUDSON
 8 CAMBRIDGE CENTER
 CAMBRIDGE, MA 02142

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OFFICE OF PETITIONS

Date Mailed: 09/02/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/01/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

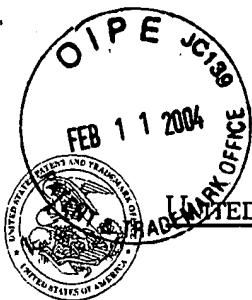
Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/810,982	03/16/2001	Shannon T. Bailey	12293:32

CONFIRMATION NO. 7442

26579

AKAMAI TECHNOLOGIES, INC.
ATTENTION: DAVID H. JUDSON
500 TECHNOLOGY SQUARE
CAMBRIDGE, MA 02139

RECEIVED

FEB 13 2004

OFFICE OF PETITIONS

FORMALITIES LETTER



OC00000006024715

Date Mailed: 05/01/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Atty. Docket No. 32

Patent
Customer ID No. 26579

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR COMPARISON OF NETWORK SYSTEMS USING LIVE TRAFFIC IN REAL-TIME

the specification of which (check one):

x was filed March 16, 2001.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)	(Country)	(Day/Month/Year)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations.

08769206 00000000 692105 0961982

2000-01-01

Atty. Docket No. 32

Patent
Customer ID No. 26579

§1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/189,734	March 16, 2000	Superseded
(Application Serial #)	(Filing Date)	(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.


POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David H. Judson, Reg. No. 30,467
Martin Korn, Reg. No. 28,317

Send correspondence to: David H. Judson, Locke Liddell & Sapp, LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75230 and direct all telephone calls to Mr. Judson at 214-740-8569.

FULL NAME OF FIRST
INVENTOR:
INVENTOR'S SIGNATURE:
DATE:
RESIDENCE:

Shannon T. Bailey


2/9/20091567-A PERSHING DRIVE
SAN FRANCISCO CA 94129

CITIZENSHIP:

U.S.A.

FULL NAME OF SECOND
INVENTOR:
INVENTOR'S SIGNATURE:
DATE:
RESIDENCE:

Ross Cohen

CITIZENSHIP:

U.S.A.

Atty. Docket No. 32

Patent
Customer ID No. 26579

§1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/189,734

(Application Serial #)

March 16, 2000

(Filing Date)

Superceded

(Status)

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Send correspondence to: David H. Judson, Locke Liddell & Sapp, LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75230 and direct all telephone calls to Mr. Judson at 214-740-8569.

FULL NAME OF FIRST

Shannon T. Bailey

INVENTOR:

INVENTOR'S SIGNATURE: _____

DATE: _____

RESIDENCE: _____

CITIZENSHIP:

U.S.A. _____

FULL NAME OF SECOND

Ross Cohen

INVENTOR:

INVENTOR'S SIGNATURE:  _____DATE: 12/9/2003RESIDENCE: 15 Tarrant Ct, San Rafael, CA 94903

CITIZENSHIP:


U.S.A. _____

Atty. Docket No. 32**Patent
Customer ID No. 26579**

FULL NAME OF THIRD

Daniel Stodolsky

INVENTOR:

INVENTOR'S SIGNATURE: 

DATE:

12/11/2003

RESIDENCE:

Somerville, MA

CITIZENSHIP:

U.S.A.